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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Written statement submitted by the Arab Lawyers' Union, a non-governmental organization in consultative status (category II)

[5 March 1985]

Resolutions and recommendations of the Fifteenth Conference of the Arab Lawyers' Union concerning freedoms and human rights

Sousse - Tunisia

2-5 November 1984

1. The Conference of the Arab Lawyers' Union, calls upon the Arab Governments to honour their international commitments as set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto, and the International Covenant on Economic, Social and Cultural Rights of 1976 and calls upon the Arab Governments that have not yet ratified those instruments to do so without delay, to respect the established rights of all citizens and to take the requisite constitutional measures with a view to promulgating legislation that will safeguard the rights stipulated in the above-mentioned Covenants.

2. Reaffirms all of its previous resolutions and recommendations and, while commending the Arab States that have ratified the International Covenants, expresses its concern at the highly deplorable increase in violations of Arab human rights and at the fact that the authorities are resorting to the declaration of states of emergency, the adoption of exceptional police measures, restriction of the role of the regular judiciary and expansion of the powers of the special courts in a manner that has given rise to astonishment and concern on the part of all international bodies and non-governmental organizations. This state of affairs highlights the acute crisis from which the Arab world is suffering with regard to rights and freedoms and which can be overcome only by enabling the Arab people to exercise fully their rights and freedoms, so that they will not be compelled to

revolt against tyranny and injustice; cancelling the measures introduced under states of emergency, particularly with regard to investigations, trials and detention; releasing all persons under arrest and in detention or, alternatively, committing them for trial by regular courts, in which they will have the right to defend themselves and to appoint their own lawyer; doing away with all irregular detention centres and prisons; complying with the Standard Minimum Rules for the Treatment of Prisoners; safeguarding their legitimate human rights and regarding torture as a punishable criminal offence. The Conference also calls for the placing of prisons under the full supervision of the judicial authority.

3. Calls upon the Arab States to abolish all exceptional laws, courts and tribunals, to provide adequate safeguards to ensure the full independence of the judiciary and lawyers, to confirm the unrestricted right of lawyers to contact and defend their clients, and to provide adequate safeguards to protect them from detention, imprisonment or harassment. The Conference also calls upon the Arab States to satisfy the requirement of their citizens for legislation and laws in conformity with the basic principles of human rights within the framework of a legal and political system under which they have a guaranteed right to participate in the formulation of the public will, thereby ensuring their respect for the enforcement of the law since the achievement of democracy involves all of these aspects.

4. Calls upon the League of Arab States to ratify with all speed the Arab Covenant on Human Rights and the Arab Declaration on the Rights of Citizens in the Arab States and to revitalize the contributory role of the Standing Committee on Human Rights.

5. Calls upon the secretariat of the League of Arab States to request the submission by Arab member States of periodic reports on the application of human rights in their territory, to receive letters sent by Arab citizens to the Standing Committee on Human Rights at the Arab League and to investigate the facts referred to in those letters.

6. Noting the endeavours of non-governmental organizations to combat the increasing phenomenon of torture and the disappearance and physical elimination of persons, and having studied the projected establishment of a "network of non-governmental organizations to combat torture", as proposed at the International Symposium on Means to Combat Torture held at Geneva in the spring of 1983, with a view to ensuring the rapid transmission of information concerning torture, disappearances and physical eliminations to organizations concerned with human rights so that they can take the appropriate action in this respect:

(a) Agrees in principle to participation by the Arab Lawyers' Union (ALU) in the proposed network and instructs the secretariat to study the manner of ratification of the proposal and to ascertain the financial and other obligations arising from such participation;

(b) Appeals to Arab lawyers to exert their utmost endeavours to make an effective contribution, through their federations and ALU, to the international campaign against torture, disappearances and physical eliminations.

7. Welcomes the manner in which the secretariat of the League of Arab States and the Arab League Educational, Cultural and Scientific Organization (ALECSO) have increased their co-operation with ALU in order to further their joint endeavours by opening channels of communication between them and citizens in the Arab world, with a view to bringing the activities of the Arab League and ALECSO to the attention of Arab public opinion and keeping the Arab League and its specialized organizations informed of issues and matters of concern to the general public. The Conference hopes that this co-operation will motivate the Arab Standing Committee on Human Rights at the League of Arab States to assume responsibilities similar to those that are being shouldered by human rights committees in other countries in Europe, Africa and America, including the receipt of letters from Arab citizens and the thorough study of the human rights situation in the Arab States as and when required, in order to enable the Committee to discharge its duty of supporting and promoting human rights and fundamental freedoms in the Arab world.

8. Appeals to the Arab States in Africa to ratify the African Charter on Human and People's Rights, drawn up by the African States at Nairobi in 1981, and welcomes the endeavours of the African Lawyers' Union in its campaign throughout the African continent to persuade the African States to ratify that Charter so that it can enter into force in 1985.

9. Recommends that the associations of Arab lawyers in Asia should maintain contact with other associations of Asian lawyers with a view to formulating an Asian charter on human rights.

10. Appeals to the secretariat of the Organization of the Islamic Conference to publish the text of the Islamic Charter on Human Rights adopted at the Fourth Summit Conference of the Organization of the Islamic Conference held at Casablanca in January 1984.

11. The Fifteenth Conference of Arab Lawyers, affirming the need for compliance with the provisions of the 1949 Geneva Conventions relative to the Treatment of Prisoners of War and the Protection of Civilian Persons in Time of War, strongly deplores and condemns the murder of Iraqi prisoners of war by the Iranian regime in violation of international covenants and conventions, Islamic principles and precepts and humanitarian ideals; calls upon all Arab and international bodies and non-governmental organizations concerned with human rights to deplore and condemn that crime and instructs the secretariat to send telegrams to the international and Arab bodies concerned and to the Iranian Government in this respect; and records its appreciation of the testimony of the representatives of the International Committee of the Red Cross in condemnation of that abominable crime.

12. The Conference, decides to declare 1985 Human Rights Year in the Arab world ard instructs the secretariat to make the appropriate organizational and promotional arrangements, in collaboration with the associations, for the implementation of this resolution.

13. Decides to request the Secretary-General of ALU to endeavour, in collaboration and co-operation with the Association of Syrian Lawyers, to contact the Syrian authorities with a view to securing the release of detained lawyers, and to submit a report on the outcome of this assignment to the next meeting of the Permanent Bureau at Cairo on 21 February 1985.

14. Deplores the decisions taken by the Government of the Sudan in regard to professional associations and calls upon the Sudanese authorities to renounce those unconstitutional measures which violate human rights and international and Arab labour conventions.

15. Deplores the suspension of freedom of the press and the denial of the right of journalists to form their own independent and democratic professional associations. The Conference strongly deplores the suppression of the freedom of opinion and the imposition of new forms of exceptional restrictions on the freedom of expression and publication which are incompatible with the fundamental principles of human rights. The Conference calls upon the ALU Research Centre tc undertake a study of all criminal legislation concerning crimes of opinion, publication and press laws with a view to ascertaining the restrictions imposed on freedom of expression.

16. Calls upon universities and faculties of law and political science in the Arab States to include human rights as a subject to be taught as part of their academic curricula.

17. Welcomes the establishment of the Arab Human Rights Organization which began its work in support of public rights and freedoms at ALU headquarters, and calls upon all Arab federations, organizations and associations concerned with human rights to co-operate with that organization through the exchange of information and research, the investigation of incidents and the defence of prisoners of conscience in the Arab world.

18. Calls upon all Arab countries to issue, or renew, travel documents under which refugees enjoy the right to freedom of work, residence and employment. The Conference also calls upon all Arab countries to implement the resolutions of the Arab League in this respect and to provide support to and co-operate with the Office of the United Nations High Commissioner for Refugees in view of the role it is playing in the provision of relief and protection for refugees. The Conference urges the Arab States that have not yet acceded to the United Nations Convention of 1951 and the Protocol of 1967 relating to the Status of Refugees to do so and calls for the preparation of a regional instrument on refugees to supplement the above-mentioned Convention and the Protocol annexed thereto.

19. Expresses its concern at the urgent need to ensure international protection for Palestinian refugees, without thereby prejudicing the inalienable national rights of the Palestinian people, including their right to self-determination.